

ORDINANCE NO. 02-408

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING TITLE 11 OF THE RESTRUCTURED LOS ALTOS
MUNICIPAL CODE BY ADDING THERETO A NEW CHAPTER 11.10 PERTAINING
TO PROPERTY BLIGHT AND NUISANCE ABATEMENT
AND AMENDING CHAPTER 14.66.310 TO BE CONSISTENT WITH CHAPTER 11.10

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Title 11 of the Restructured Los Altos Municipal Code entitled "Miscellaneous Property Regulations" is hereby amended by adding thereto a new Chapter 11.10 to read as follows:

"Section 11.10. City of Los Altos Property Blight and Nuisance Abatement Ordinance.

- 11.10.010 Title of provisions.
- 11.10.020 Findings.
- 11.10.030 Definitions.
- 11.10.040 Administration and enforcement.
- 11.10.050 Unlawful materials, conditions and activities (nuisances per se).
- 11.10.060 Maintaining blight or public nuisances prohibited.
- 11.10.070 Time restriction –Parking and Storage.
- 11.10.080 General obligation.
- 11.10.090 Enforcement responsibility –Delegation of authority.
- 11.10.100 Abandonment of unlawful conditions—Notice.
- 11.10.110 Abatement
- 11.10.120 Restriction of use or occupancy –Dangerous condition.
- 11.10.130 Procedures of this chapter –Cumulative.
- 11.10.140 Abatement work—Extension of time.
- 11.10.150 Abatement work—Appeal of notice.
- 11.10.160 Performance of abatement—City authority.
- 11.10.170 Entering property for abatement work.
- 11.10.180 Dangerous nuisance—Immediate abatement—Notice and costs.
- 11.10.190 Costs of abatement ---Record keeping
- 11.10.200 Costs of abatement—Hearing Notice—Protests.
- 11.10.210 Proposed assessment hearing.
- 11.10.220 Confirmed assessment—Notice of lien.
- 11.10.230 Confirmed assessment—Collection.
- 11.10.240 Remedies of private parties.
- 11.10.250 Limitation of filing judicial action.
- 11.10.260 Alternatives.
- 11.10.270 Enforcement authority.
- 11.10.280 Violation—Penalty.

11.10.010 Title of provisions.

This chapter shall be known as the "City of Los Altos Property Blight and Nuisance Abatement Ordinance."

11.10.020 Findings.

The city council finds and determines as follows:

A. The city wishes to encourage the maintenance of well-kept residential, and commercial properties. The city recognizes that property values and the general welfare of the community are founded in large part on the appearance, maintenance and safety of properties. The purpose of this Chapter is to protect and preserve the livability and appearance of the City.

B. The existence of property in a condition constituting a blight and/or nuisance as defined in this code is injurious to the public health, safety and welfare of the residents of this city. Such conditions contribute substantially and increasingly to the necessity for excessive expenditures for protection against hazards, diminution of property values, and the preservation of the public health and safety.

C. Public nuisances are those affecting the entire community, neighborhood or a considerable number of people. Under California law, local governments have standing to intercede and to abate a public nuisance. However, local governments do not have standing to abate a private nuisance. Remedies in the law are available to those affected by private nuisances. However, it is the city policy to assist and to facilitate resolution of private nuisance issues where possible and appropriate.

D. The existence of public nuisances of the type designated and the abatement of them, is reasonably related to the proper exercise of the police power in protecting the health, safety and welfare of the public, and the exercise of that power by this city is authorized by the constitution of the State of California and applicable laws.

E. Unless uniform and expedient corrective measures are available to be undertaken to alleviate such conditions, the public health, safety and general welfare and the property values and social and economic standards of this community will be substantially depreciated. The abatement of such conditions will enhance the appearance and value of such properties and will improve the tax base of the city.

F. It is in the public interest to establish a cost recovery procedure so that the abatement of a blight or public nuisance is at the expense of the person(s) creating, causing, committing or maintaining the blight or nuisance.

11.10.030 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section, unless from the context a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "Abatement costs and administrative expenses" include, but are not limited to, the actual expenses and costs of the city in preparing notices, specifications and contracts; in conducting inspections; for legal fees; and for other related costs incurred in enforcing the provisions of this chapter, as well as reasonable costs to abate a nuisance.

B. "Attractive nuisance" means any condition, instrumentality or machine that is unsafe and unprotected and thereby dangerous to children by reason of their inability to appreciate the peril therein, and that may reasonably be expected to attract children to the premises and risk injury by playing with, in or on it. Attractive nuisance also means property which is in an unsecured state so as to potentially constitute an attraction to children, a harbor for criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act.

C. "Blighted Property" means any property on which there exists any one or more of the conditions or activities set out in Section 11.10.050 and described as: Abandoned Building or Structure; Building or Structure Which is in a State of Disrepair; Property Inadequately Maintained;

Property Which Creates a Dangerous Condition; Parking, Storage or Maintenance of the Following in Areas Zoned for Residential Use;

D. "Commercial vehicle" means a vehicle of a type required to be registered under the California State Vehicle Code used or maintained for the transportation of persons for hire, compensation or profit or designed, used or maintained primarily for the transportation of property. Passenger vehicles that are not used for the transportation of persons for hire, compensation or profit, house cars, van pools, and other vehicles exempt by the California State Vehicle Code are not considered commercial vehicles for purposes of this chapter.

E. "Compost" means the product resulting from controlled biological decomposition of organic waste that is source separated from the municipal solid waste stream and which does not produce objectionable odors, insect problems or fire hazards and meets all other applicable municipal and state codes relating to compost.

F. "Landowner" means the person to whom land is assessed, as shown on the last equalized assessment roll of the county.

G. "Nuisance" means anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the use in the customary manner of any public park, street or highway.

H. "Nuisance abatement team" means the person(s) designated by the city manager to enforce this chapter.

I. "Parkway" means that portion of a street right-of-way that lies between the property line and the outside edge of a gutter or gutter lip, including a driveway approach. Where no curb exists, "parkway" means the area of property from the property line to the edge of the pavement. "Parkway" also means any unimproved street right-of-way on the opposite side of an abutting street where the street was created to provide access to the abutting property.

J. "Polluted water" is defined for the purpose of this chapter as water which contains bacterial growth, remains of garbage, refuse, debris, papers and any other foreign matter or material which constitutes an unhealthy or unsafe condition.

K. "Private nuisance" means all nuisances not included in the definition of a public nuisance.

L. "Property" means any lot or parcel of land. For the purposes of this definition, "lot or parcel of land" means and includes any alley, sidewalk, parkway or unimproved public easement abutting such lot or parcel of land.

M. "Public nuisance" means a nuisance which affects at the same time an entire community, neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

11.10.040 Administration and enforcement.

A. The city manager shall be the primary city official responsible for the administration and enforcement of this chapter. The city manager may appoint a nuisance abatement team or other city official as his/her designee and delegate all or a portion of the administration and enforcement responsibilities to that team or official. If a nuisance abatement team is appointed it shall be comprised of a representative of the planning department, the building department, the police department, and the public works department, and shall be under the direction of the department head as appointed by the city manager. The city manager or his/her designee shall provide property owners in violation of this code with a thirty-day notice of compliance. Thereafter, any legal remedies available within this code may be pursued by the city manager or his/her designee and the city attorney unless all applicable code violations are corrected.

B. Enforcement of this chapter shall occur when violations are public nuisances or blighted property as defined herein. Enforcement of violations which are visible from the public

right-of-way shall be given priority, unless otherwise specified or determined to be an imminent hazard by the city manager or his/her designee. For private nuisances, the city will attempt to contact the affected or involved individuals and facilitate a resolution of the issues. In addition to other conflict resolution techniques, the city may utilize a mediation service to help resolve the matter.

11.10.050 Unlawful materials, conditions and activities (blight and nuisances per se).

It is unlawful for any landowner or person leasing, occupying, or having charge or possession of any real property in the city to keep, maintain, deposit, bury or perform on such property or within the public right-of-way abutting or adjoining such property any blight or public nuisance per se. The following (although not exclusive) are declared blight or nuisances which may be abated as outlined in this chapter.

A. Abandoned Building or Structure.

1. A building or structure which is not occupied, inhabited, used, or secured. For purposes of this chapter, a building or structure is unsecured when it is unlocked or the public can gain entry without the consent of the owner.

2. Any partially constructed, reconstructed or demolished building or structure upon which work is abandoned. Work is deemed abandoned when there is no valid and current building or demolition permit or when there has not been any substantial work on the project for six months.

3. A building or structure which because of obsolescence, dilapidated condition, deterioration, damage, electrical wiring, gas connections or other cause is in such a condition as to constitute a fire hazard.

B. A Building or Structure Which is in a State of Disrepair.

1. Any building or other structure which by reason of rot, weakened joints, walls, floors, underpinning, roof, ceilings, or insecure foundation, or other cause has become dilapidated or deteriorated.

2. Any building or other structure with exterior walls and/or roof coverings which have become so deteriorated as to not provide adequate weather protection and be likely to, or have resulted in, termite infestation or dry rot.

3. Buildings or structures with broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers. For purposes of this chapter "window" shall include any glazed opening, including glazed doors, which open upon a yard, court, or vent shaft open unobstructed to the sky.

4. Buildings or structures including, but not limited to, walls, windows, fences, signs, retaining walls, driveways or walkways which are obsolete, broken, deteriorated, or substantially defaced to the extent that the disrepair visually impacts on neighboring property or presents a risk to public safety. For purposes of this chapter "defaced" includes, but is not limited to, writings, inscriptions, figures, scratches, or other markings commonly referred to as "graffiti" and peeling, flaking, blistering, or otherwise deteriorated paint.

5. A building or structure in an unreasonable state of partial construction, if the building has been under partial construction and the appearance and other conditions substantially detract from the appearance of the immediate neighborhood or reduce the property values in the immediate neighborhood, notwithstanding the status of building permits;

C. Property Inadequately Maintained.

1. Property which for a period of at least ten (10) days in any calendar year is not kept clean and sanitary and free from all accumulations of offensive matter or odor including, but not limited to, overgrown or dead or decayed trees, weeds or other vegetation, rank growth, dead organic matter, rubbish, junk, garbage, animal intestinal waste and urine, and toxic or otherwise hazardous liquids and substances and material. For the purposes of this section the term "rubbish"

shall include combustible and noncombustible waste materials, except garbage; and the term shall also include paper, rags, cartons, boxes, wood, plastic and particularly plastic sheeting, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass, crockery, and dust. Rubbish shall include food waste (with the exception of compost as defined in Section 11.10.030) trash, scrap metal or lumber (including hazardous fences), concrete, asphalt, tin cans, bottles, tires, litter, piles of dirt, abandoned, broken, discarded or unused furniture, stoves, sinks, toilets, cabinets, refrigerators, freezers, discarded or inoperable equipment, discarded building materials, yard waste, or other fixtures, appliances or equipment; construction equipment and machinery and building supplies and materials (except while excavation, construction or demolition is in progress at the site under a current city-issued permit);

2. Property, including a building or structure which is structurally unsafe, or partially destroyed or which constitutes a fire hazard or a condition considered dangerous to the public health, safety, and general welfare.

3. A building or structure which because of obsolescence, dilapidated condition, deterioration, damage, electrical wiring, gas connections or other cause is in such a condition as to constitute a fire hazard;

4. Combustible material likely to become easily ignited or debris resulting from any fire;

5. Property which is likely to or does harbor rats or other vectors, vermin, feral pets, or other non-domesticated animal nuisances.

6. Property which substantially detracts from the aesthetic and economic values of neighboring properties including, but not limited to, personal property and wares and foodstuffs, premises garbage and refuse receptacles, and commercial business activities which are inadequately screened from any street, sidewalk or other publicly trafficked area or such screening which is inadequately maintained. For the purposes of this section "screened" shall mean: an enclosed building or a fence, wall or other structure not less than five feet in height which shall be solid with no holes or gaps.

7. Landscaping which is inadequately maintained or which is not installed as required by city codes or any permit issued in accordance with such codes.

8. Overgrown, dead, decayed, diseased or hazardous trees or other vegetation (with the exception of compost as defined in Section 11.10.030); weeds, and other vegetation likely to harbor rats, vermin or nuisances, that constitute a fire hazard, or vegetation that creates a vehicular, bicycle or pedestrian hazard or otherwise interferes with public circulation or which impedes drainage within the public right-of-way or watercourse;

9. Matter including, but not limited to, smoke, odors, dust, dirt, debris, fumes, and sprays which is permitted to be transported by wind or otherwise upon any street, course, alley, sidewalk, yard, park, or other public or private property and which is determined to be a violation of federal, state, regional, or local air quality regulations.

10. Property including, but not limited to, building facade, window, doorway, driveway, walkway, fence, wall, landscaped planter or area, sidewalk, curb and gutter, and edge of street pavement on which dirt, litter, vegetation, garbage, refuse, debris, flyers, or circulars have accumulated.

11. Property on which a swimming pool, pond, stream, or other body of water which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted.

12. Parking lots, driveways, paths, and other areas used or intended to be used for commercial business activities including, but not limited to, selling, manufacturing, processing, packaging, fabricating, treating, dismantling, processing, transferring, handling, transporting, storing,

compounding, or assembling which are inadequately maintained and pose a risk of harm to public health or safety including, but not limited to, unpaved surfaces which generate fugitive dust and paved surfaces with cracks, potholes, or other breaks.

13. Property on which recyclable materials are openly stored. "Recyclable materials" includes any materials, goods, vehicles, machinery, appliances, product or article, new or used, which is suitable for reuse. For the purposes of this chapter, "open storage" means storage on private property other than in a completely enclosed building. Materials shall be deemed to be held in "open storage" even though screened from public view, or view of residents of adjacent property, by a fence or other such partition.

14. Property which is not securely fenced or adequately lighted to prevent illegal access and activity including the dumping of garbage, waste, debris and litter.

15. Construction equipment and machinery and building supplies and materials (except while excavation, construction or demolition is in progress at the site under a current city-issued permit):

16. The disposal of oil, gasoline, other petroleum products, noxious chemicals, pesticides, or any gaseous, liquid or solid wastes in such manner as to constitute a health hazard, or degrade the appearance of or detract from the aesthetic and property values of the neighborhood;

17. Performance of work on motor vehicles or motor vehicle engines or parts on public rights-of-way or in yard areas of residential properties so as to be visible from the public rights-of-way, other than emergency repairs or minor maintenance, as determined by the police chief;

18. Tents, trailers, campers or other similar vehicles or equipment that are being used for sleeping, cooking or living purposes; no tent, vehicle or trailer shall be used for living purposes or permitted as an accessory structure;

19. Permanent storage, unless within an entirely enclosed building on private property, of house campers, house cars, buses designed for transportation of more than ten persons, trucks rated at one-and-one-half ton capacity or over, or any truck-tractor and/or trailer irrespective of weight, trailer coaches, earth-moving, landscaping and building construction vehicles, boats, boat trailers and horse trailers. On public right-of-way, permanent storage shall mean for a period of time greater than seventy-two hours. On private property, permanent storage shall mean for a period of time greater than ten days in a calendar year unless a permit to extend storage is obtained from the police chief. Earth-moving, landscaping and building construction vehicles are exempt from this section when the vehicles are currently being used as part of city-permitted grading and building construction activities on the same site;

20. Activities and uses not permitted within the zoning district within which a site is located, activities not permitted by a conditional use permit or variance governing the site, and non-permissible home occupation activities;

21. Logs, curbs, rocks, fences, screenings, sand, dirt, yard waste, compost materials or other similar obstacles, that create a vehicular, bicycle or pedestrian hazard or otherwise interfere with public circulation or which impede drainage within the public right-of-way or watercourse;

22. Water from private property which enters or negatively affects the public right-of-way, as determined by the city engineer;

23. Burning of any substance in such a manner as to cause odors or gas therefrom to taint the air and render it unwholesome or injurious to the health or offensive to the senses of the inhabitants of the city, or any number of persons;

24. Maintenance or contamination of water wells used for domestic purposes where the Santa Clara County Environmental Health Department has determined the water of which has

become polluted or in any way rendered unsafe for domestic drinking purposes, or has become otherwise prejudicial to health or dangerous to life;

25. Contaminated or infected dwellings which are unfit for human habitation because of disease or other hazards, as determined by the Santa Clara County Environmental Health Department;

26. Animal carcasses not abated by the city's animal control service providers; and

27. Outdoor lighting which creates a safety hazard from the public right-of-way, as determined by the city engineer, or does not meet the requirements of this code and Uniform Building Code.

D. Property Which Creates a Dangerous Condition.

1. Property having a topography, geology, or configuration which, as a result of grading operations, erosion control, sedimentation control work, or other improvements to said property, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems as to harm or pose a risk of harm to adjacent properties.

2. Property whereon any condition or object obscures the visibility of public street intersections to the public so as to constitute a hazard, including but not limited to, landscaping, fencing, signs, posts, or equipment.

E. Parking, Storage or Maintenance of the Following in Areas Zoned for Residential Use.

1. Any construction or commercial equipment, machinery, truck or tractor or trailer or other vehicle having a weight exceeding six thousand (6,000) pounds, or building supplies or materials or recyclable materials, as defined in this chapter, except that such items may be temporarily kept within or upon residential property for the time required for the construction or installation of improvements or facilities on the property.

2. Trailers, campers, recreational vehicles, boats, and other mobile equipment or any part thereof for a period of time in excess of seventy-two (72) consecutive hours in front or side yard areas.

(a) Any parking, keeping or storing of these items in the rear yard areas shall be either in an accessory building constructed in accordance with the provisions of this code or in an area which provides for a five-foot setback from any property line.

(b) In addition to the setback requirement, fifteen hundred (1,500) square feet or at least sixty (60) percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.

(c) No item shall be parked, stored or kept within five feet of any required exit, including existing windows.

(d) Nothing contained in this section shall be deemed to prohibit bona fide guests of a city resident from occupying a trailer, camper, or recreational vehicle upon residential premises with the consent of the resident for a period not to exceed seventy-two (72) consecutive hours.

Any trailer, camper, or recreational vehicle so used shall not discharge any waste or sewage into the city's sewer system except through the residential discharge connection of the residential premises on which the trailer, camper or recreational vehicle is parked.

3. Any motor vehicle which has been wrecked, dismantled or disassembled, or any part thereof, or any motor vehicle which is disabled or which may not be operated because of the need for repairs or for any other reason for a period of time in excess of seventy-two (72) consecutive hours which are not stored within an entirely closed building.

4. Any refrigerator, washing machine, sink, stove, heater, boiler, tank or any other household equipment, machinery, furniture, other than furniture designed and used for outdoor

activities, appliance or appliances, or any parts of any of the listed items for a period of time in excess of seventy-two (72) consecutive hours.

This subsection does not prohibit the following:

(a) Machinery installed in the rear setback areas for household or recreational use.

(b) Furniture designed and used for outdoor activities.

(c) Any item stored or kept within an enclosed building or storage structure or unit in accordance with the provisions of this code.

5. Storing or keeping packing boxes, lumber, dirt and other debris, except as allowed by this code for the purpose of construction, in any setback areas visible from public property or neighboring properties, for a period of time in excess of seventy-two (72) consecutive hours.

6. No item covered by this section shall be parked, stored, or kept between the front lot line and the front wall of the facility, including the projection of the front wall across the residential property lot line, except where such item is located in an approved driveway or approved parking space.

7. Abandoned, wrecked, dismantled, un-repaired or non-operating boats, or parts thereof, which are not stored within an entirely enclosed building on private property;

F. Activities Prohibited In Areas zoned for Residential Use.

1. Wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, washing, cleaning or servicing, in any setback area of any airplane, aircraft, motor vehicle, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property.

This chapter shall not prohibit the following:

(a) Any owner, lessee or occupant of residential property may repair, wash, clean or service any personal property which is owned, leased, or rented by such owner, lessee or occupant of such property. Any such repairing or servicing performed in any such area shall be completed within a seventy-two (72) consecutive hour period. The provisions of this section shall apply to any truck, tractor, trailer, or other commercial vehicle weighing more than six thousand (6,000) pounds.

(b) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property.

11.10.060 Maintaining blight or public nuisances prohibited.

It is declared a public nuisance for any landowner or person leasing, occupying, directly controlling or having possession of any property in this city to maintain any condition described in Section 11.10.050 of this chapter, or to maintain any attractive nuisance. It is not the intent of the city that this chapter preempts any private nuisance action or any and all other legal remedies available to private parties.

11.10.070 Time restriction –Parking and Storage.

For purposes of this chapter an item is unlawfully parked, kept or stored in any area for a period of time in excess of seventy-two (72) consecutive hours when:

A. The item has not been removed from such area for an intervening period of time in excess of seventy-two (72) hours; or

B. The item has been parked, kept or stored during the intervening period of time upon any public street.

11.10.080 General obligation.

No person, firm, group, or corporation whether as owner, owner's agent or manager of the subject property, or as lessee, sublessee, or occupant in possession of the property shall maintain any property in a blighted condition or shall cause or permit the property to be blighted. No person,

firm, group, or corporation shall take any action or allow any action to be taken in violation of any provision of this chapter or order issued pursuant thereto.

11.10.090 Enforcement responsibility—Delegation of authority.

The Building Official and his or her designees shall be responsible for the enforcement of this chapter and shall make such inspections and take such actions as may be required to enforce the provisions of this chapter.

11.10.100 Abandonment of unlawful conditions—Notice.

Whenever the city manager or his/her designee has inspected and finds that conditions constituting a public nuisance or other municipal code violation exist thereon, the city manager or his/her designee may use the procedures set forth in this chapter for the abatement of such unlawful condition.

A. The city manager or his/her designee shall issue a notice and abatement order, and mail a copy of such notice and order to the landowner and the person, if other than the landowner, occupying or otherwise in real or apparent charge and control of the property. Actions taken to abate conditions set forth in this chapter may include, but are not limited to, assessment of fees, charges, penalties, and interest; and/or repair or removal of the condition; and/or installation and maintenance of physical barriers to deter the recurrence of or illegal access to the condition; and/or any other abatement action determined by the Building Official, or his or her designee, to be necessary. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the property on which the condition exists;
2. A statement that the city manager or his/her designee has determined that a blight or public nuisance is being maintained on the property, with a brief description of the conditions that render the property blighted and/or a public nuisance;
3. An order to secure all appropriate permits and to physically commence, within ten days from the date of service of the notice and order, and to complete within thirty days from such date, the abatement of the described conditions;
4. A statement advising that the disposal of material involved in public nuisances shall be carried forth in a legal manner;
5. A statement advising that if the required work is not commenced within the time specified, the city manager or his/her designee will proceed to cause the work to be done, and bill the persons named in the notice for the abatement costs and administrative expenses and/or levy the costs against the property;
6. A statement advising that any person having any interest or record title in the property may appeal the notice and order or any action of the city manager or his/her designee to city council, or any action of the city manager or his/her designee, within ten days from the date of service of the notice and order;
7. A statement advising that the notice and order will be recorded against the property in the office of the county recorder and that a lien may be placed on the property to cover abatement costs and administrative expenses.

B. 1. The notice and order and any amended notice and order, shall be served by the following method:

- a. Personal service; or
- b. Certified mail, postage prepaid, return receipt requested to each person as required pursuant to the provisions of subsection A of this section at the address as it appears on the last equalized assessment roll of the county, and as known to the city manager or his/her designee. The address of the owner shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice. Simultaneously, the same notice may be sent

by first class (regular) mail. If a notice that is sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.

2. Service by certified or regular mail in the manner described above shall be effective on the date of mailing.

3. The failure of any person with an interest in the property to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under this code. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to Government Code Section 6062.

C. Proof of service of the notice and order shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the time and manner in which service was made.

D. After the city council has affirmed the notice and order on appeal pursuant to Section 11.10.210 or in the event no hearing has been requested, and the blight or nuisance has not been abated, the city manager or his/her designee shall file in the office of the county recorder a certified copy of the notice of blight and/or nuisance and order of abatement as set forth in subsection A of this section. The city manager or his/her designee shall file a certificate with the county recorder that the blight and/or nuisance has been abated, whenever the corrections ordered shall have been completed, so that there no longer exists a condition of blight or public nuisance on the property described in the certificate; or the notice and order is rescinded by the city council on appeal, or whenever the city abates the light and/or nuisance and the abatement costs and administrative expenses have been paid.

11.10.110 Abatement. Actions taken to abate conditions set forth in this chapter may include, but are not limited to, assessment of fees, charges, penalties, and interest; and/or repair or removal of the condition; and/or installation and maintenance of physical barriers to deter the recurrence of or illegal access to the condition; and/or any other abatement action determined by the Building Official, or his or her designee, to be necessary.

11.10.120 Restriction of use or occupancy –Dangerous condition.

Whenever any condition set forth in this chapter is determined by the Building Official, or designee, to be dangerous and imminently hazardous to public health and safety, the use or occupancy of the blighted property may be restricted in accordance with the procedures set forth in this chapter. In addition to restricting the use or occupancy, the Building Official may require other abatement actions to be taken including, but not limited to, immediate repair or removal of the condition.

11.10.130 Procedures of this chapter—Cumulative.

A. Procedures used and actions taken for the abatement of property blight are not limited by this chapter. Procedures and actions under this code may be utilized in conjunction with, or in addition to, any other procedure applicable to the regulation of buildings, structures, or property, including, but not limited to, injunctive or other judicial relief.

B. All property blight conditions which are required to be abated pursuant to the provisions and permit requirements of this chapter shall be subject to all provisions of this code including, but not limited to, building construction, repair or demolition and to all housing, zoning, traffic and fire code provisions.

11.10.140 Abatement work—Extension of time.

Upon receipt of a written request from any person required to comply with the order, the city manager or his/her designee may grant a extension of time within which to complete the abatement, if the city manager or his/her designee determines that such an extension of time will not create or

perpetuate a situation imminently dangerous to life or property. The city manager or his/her designee shall have the authority to place reasonable conditions on any such extensions.

11.10.150 Abatement work—Appeal of notice.

Any person aggrieved by the action of the city manager or his/her designee in issuing a notice and order pursuant to the provisions of this chapter may appeal to the city council within ten days of the notice and order. If no appeal is filed within ten days of service of the notice and order, the action of the city manager or his/her designee shall be final.

11.10.160 Performance of abatement—City authority.

Abatement of the nuisance may, in the discretion of the city manager or his/her designee, be either performed by the city or by a contractor retained by the city.

11.10.170 Entering property for abatement work.

The city manager or his/her designee may enter upon private property to abate the nuisance pursuant to the provisions of this chapter upon completion of the noticing provisions outlined in Sections 11.10.100 or 11.10.180 of this chapter. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city whenever such person is engaged in the work of abatement, pursuant to the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work, as authorized or directed pursuant to this chapter.

11.10.180 Dangerous nuisance—Immediate abatement—Notice and costs.

Whenever the city manager or his/her designee determines that a public nuisance is so imminently dangerous to life, limb or property that such condition must be immediately corrected or isolated, the city may institute the following procedures:

A. Notice. The city manager or his/her designee shall attempt to make contact through a personal interview, or by telephone, with the landowner or the person, if any, occupying or otherwise in real or apparent charge and control thereof. In the event contact is made, the city manager or his/her designee shall notify such person or persons of the danger involved and require that such condition be immediately removed, repaired or isolated so as to preclude harm to any person or property.

B. Abatement. In the event the city manager or his/her designee is unable to make contact as herein above noted, or if the appropriate persons, after notification by the city manager or his/her designee, do not take action as specified by such official, within twenty-four hours or such lesser time as circumstances may warrant in the discretion of the city manager, then the city manager or his/her designee may, with the approval of the city manager, take all steps deemed necessary to remove or isolate such dangerous condition, or conditions, with the use of city forces or a contractor retained pursuant to the provisions of this code.

11.10.190 Costs of abatement—Record Keeping.

The city manager or his/her designee shall keep an itemized account of the expenses and costs incurred by the city in the abatement of any public nuisance under this chapter. Upon completion of the abatement work, the city manager or his/her designee shall prepare a report specifying the work done, the itemized costs of the work for each property, including direct and indirect costs, a description of the real property, and the names and addresses of the persons entitled to service pursuant to Sections 11.10.100 through 11.10.150. Any such report may include expenses and costs on any number of properties, whether or not contiguous to each other. Each person named in the notice shall be jointly and severally liable for such abatement costs and administrative expenses for their property, and the amount of such costs and expenses shall be a debt owned to the city.

11.10.200 Costs of abatement—Hearing—Protests.

A. Unpaid Costs Forwarded to the City Clerk. When any costs assessed pursuant to this chapter remain unpaid for a period of sixty days or more after the date on which they were billed, the city manager or his/her designee, in the city manager or his/her designee's discretion, may forward the abatement costs and administrative expenses report described in Sections 11.10.130 and 11.10.140 to the city clerk.

B. Hearing Notice. Upon receipt of the abatement costs and administrative expenses report, the clerk shall fix a time and place for hearing and passing upon the report. The clerk shall cause notice of the amount of the proposed assessment shown in this report to be given in the manner and to the persons specified in Section 11.10.100. Such notice shall contain a description of the property sufficient to enable the persons served to identify it, and shall specify the day, hour and place when the city council will hear and pass upon the report, together with any objections or protests which may be raised by any landowner liable to be assessed for the costs of such abatement. Notice of the hearing shall be given not less than fifteen days prior to the time fixed by the clerk for the hearing, and shall also be published once, at least fifteen days prior to the date of the hearing, in a newspaper of general circulation in the city.

C. Protests. Any interested person may file a written protest with the city clerk at any time prior to the time set for the hearing on the report of the city manager or his/her designee. Each such protest shall contain a description of the property in which the person signing the protest is interested, and the grounds of such protest. The city clerk shall endorse on every such protest the date and time of filing, and shall present such protest to the city council at the time set for hearing. Any interested person may also register a protest at the time of the hearing.

11.10.210 Proposed assessment hearing.

Upon the day and hour fixed for the hearing, the city council shall consider the report of the city manager or his/her designee, together with any protests that have been filed with the city clerk. The city council may make such revision, correction or modification in the report as it may deem just, and when the city council is satisfied with the correctness of the assessment, the report, and proposed assessment, as submitted or as revised, corrected or modified, shall be confirmed. The decision of the city council on the report and the assessment and on all protests shall be final and conclusive. The city council may adjourn the hearing from time to time.

11.10.220 Confirmed assessment—Notice of lien.

A. Notice of Lien. Immediately upon the confirmation of the assessment by the city council, the city manager or his/her designee shall execute and file in the office of the county recorder a certificate in substantially the following form:

NOTICE OF LIEN

Pursuant to the authority vested in the City Manager or his/her Designee by the provisions of the Los Altos Municipal Code, said City Manager or his/her Designee, on or about the _____ day of 20____, caused the abatement of a nuisance on real property at _____ (Assessor's Parcel Number _____), and the City Council for the City of Los Altos, on the _____ day of 20____, assessed administrative expenses and abatement costs upon said real property and the same has not been paid nor any part thereof. The City of Los Altos hereby claims a lien on said real property for the net expense of the administrative expenses and abatement costs in the amount of _____

\$_____ This amount shall be a lien upon said real property until the sum has been paid in full and discharged of record.

Dated: This _____ day of 20__

CITY MANAGER OF THE CITY OF LOS ALTOS

(ACKNOWLEDGMENT)

B. Recordation. Immediately upon the recording of the notice of lien, the assessment shall constitute a lien on the real property assessed. Such lien shall, for all purposes, be upon a parity with the lien of state and local taxes.

11.10.230 Confirmed assessment—Collection.

A. Assessment Book. The notice of lien, after recording, shall be delivered to the tax assessor of Santa Clara County, who shall enter the amount in the county assessment book opposite the description of the particular property, and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the auditor before the date fixed by law for the delivery of the assessment book to the county board of equalization.

B. Collection. Thereafter, the amount set forth in the notice of lien shall be collected at the same time and in the same manner as ordinary city taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary city taxes. All laws applicable to the levy, collection and enforcement of city taxes are made applicable to such assessment. The amount set forth in the notice of lien shall be returned to the city to the fund designated for code enforcement activities.

11.10.240 Remedies of private parties.

The provisions of this chapter shall not affect the rights of private parties to pursue any and all legal remedies, including but not limited to private nuisance actions or actions for damages.

11.10.250 Limitation of filing judicial action.

An owner or other person who has an interest in the property aggrieved at any proceeding taken on appeal by the city council in affirming, reversing or modifying in whole or in part either the order finding and ordering the abatement of a public nuisance or the order determining the cost of abatement must bring judicial action to contest such decision within ninety days after the date of such decision of the city council. Otherwise, all objections to such decision shall be deemed waived.

11.10.260 Alternatives.

Nothing in this chapter shall prevent the city council from ordering the city attorney to commence a civil or criminal proceeding to abate a public nuisance as an alternative to the proceedings set forth in this chapter.

11.10.270 Enforcement authority.

The procedures set forth in this chapter shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law.

11.10.280 Violation—Penalty.

A. The owner or other person having charge or control of any such buildings or premises who maintains any blight or public nuisance defined in this chapter, or who violates any order of abatement served as provided in this chapter, is guilty of a misdemeanor.

B. Any occupant or lessee in possession of any such building or structure who fails to vacate the building or structure in accordance with an order given as provided in this chapter, is guilty of a misdemeanor.

C. Any person who removes any notice or order posted as required in this chapter, for the purpose of interfering with the enforcement of the provisions of this chapter, is guilty of a misdemeanor.

D. Any person who obstructs, impedes or interferes with any representative of the city council or with any representative of a city department or with any person who owns or holds any estate or interest in a building which has been ordered to be vacated, repaired, rehabilitated or demolished, or with any person to whom any such building has been lawfully sold pursuant to the provisions of this chapter when any of the aforementioned individuals are lawfully engaged in proceedings involving the abatement of a nuisance, is guilty of a misdemeanor.

SECTION 2. AMENDMENT OF CODE: Section 14.66.310 of the Restructured Los Altos Municipal Code entitled "Storage in yards" is hereby amended by revising subsection A, deleting existing subsection B thereof and renaming subsections C, D, E and F as B, C, D, and E. to read as follows:

"Section 14.66.310. Storage in yards.

A. No portion of any required front or side yard shall be used for the storage of motor vehicles (except automobiles in fully operational condition), airplanes, boats, detachable camping apparatus, other miscellaneous mobile equipment, parts of any of the foregoing, or building materials (except building materials reasonably required for construction work on the premises pursuant to a valid and existing building permit issued by the city); provided, however, the property described in this subsection may be placed in the required front yard area for the purposes of loading, unloading, or other acts incidental to preparation for subsequent use for a period not to exceed three days in any one week.

B. "Storage," as used in this section, shall mean the physical presence of the prescribed property, or any portion thereof, within the required front or side yard area for property within any zoned area, as the same is set forth and delineated in this chapter.

C. "Week," as used in this section, shall mean the period from midnight Sunday to midnight the following Sunday.

D. "Day," as used in this section, shall mean the period of time from any midnight to the following midnight.

E. A fraction of a day shall be deemed an entire day for the purposes of computing time pursuant to the provisions of this section."

SECTION 3. PUBLICATION: This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE: This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on December 11, 2001, and was thereafter, at a regular meeting held on January 8, 2002, passed and adopted by the following vote:

Ayes: Mayor La Poll, Councilmembers Becker and Moss
Noes: Mayor Pro Tem Casto, Councilmember Lear
Absent: None


FRANCIS A. LA POLL, MAYOR

Attest:


CAROL SCHARZ, CITY CLERK

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